

RESOLUTION NO. 2006-052

A RESOLUTION OF THE
GALLATIN COUNTY COMMISSION
TO ADOPT THE BOZEMAN PASS
ZONING REGULATIONS AND ZONING MAP.

WHEREAS, the Gallatin County Board of County Commissioners (Gallatin County Commission) received a request from greater than 60% of the affected freeholders for the consideration of a zoning district in the Bozeman Pass area to further the health, safety, and general welfare of the people of the Bozeman Pass area and Gallatin County; and

WHEREAS, the area described by the petition for the creation of the Bozeman Pass Zoning District encompassed approximately 20,000 acres located within Township 2 and 3 South, Range 6 and 7 East, PMM, Gallatin County, MT, and more particularly described as follows:

T.2S., R.6E.: SECTION 11 – E½; All of Section 12 & 13; SECTION 14; – E½ North of the northeasterly boundary of the railroad right-of-way excepting; therefrom the following parcels: Tract A of COS 976, Tract defined by COS 545, Parcel described in Film 31, Page 2716; Parcel described in Film 57, Page 564 and Book 156, Page 82. SECTION 23 – All that portion of the E½ northeasterly of the northerly right-of-way boundary of Interstate 90 and southeasterly of the centerline of Moffit Gulch Road. Also including the parcel described in Film 74, Page 1719. SECTION 24 – All that portion northeasterly of the southerly boundary of the railroad right-of-way and including all of COS 511. SECTION 25 – All that portion northeasterly of the southerly boundary of the railroad right-of-way. SECTION 33 – E½ and that portion of W½ shown on COS 1337. SECTION 34 – All. SECTION 35 – S½ and NE¼.

T.2S., R.7E.: SECTION 1 – SE¼, S½NE¼ and government lots 1 and 2. Also Tract A-1 of COS 1260A in the SW¼. SECTION 7 – All. SECTION 8 – All. SECTION 9 – government lots 9, 10, 11 and 12 and SE¼. SECTION 12 – All, excepting therefrom the following parcels: Tract B of COS 2012. Quinn Creek Properties, Lot 13. Quinn Creek Properties, Lot 11. Quinn Creek Properties, Lot 7. SECTION 13 – All W½ and all that portion of the E½ northerly of the southerly right-of-way boundary of Interstate 90 or the southerly boundary of the railroad right-of-way, whichever is more southerly, excepting therefrom the following parcels: Quinn Creek Properties, Lot 11. Quinn Creek Properties, Lot 7. Quinn Creek Properties, Lot 5. COS 717, Tract A. COS 717, Tract B. SECTION 14 – All that portion southerly of the southerly right-of-way boundary of Interstate 90, excepting therefrom Tract 1 of COS 639. SECTION 15 – All that portion of the N½ southerly of the southerly right-of-way boundary of Interstate 90, if any, and all S½ excepting therefrom COS 946. SECTION 16 – All. SECTION 17 – All. SECTION 18 – All. SECTION 19 – All. SECTION 20 – All that portion northerly of the northerly right-

of-way boundary of Interstate 90, excepting therefrom the following parcels: Parcel described in Volume 36, Page 527; filed September 15, 1906. Tract 1 of COS 1459. Tract A of COS 1344A. Parcel I and Parcel II described in Film 62, Page 2456; April 27, 1981. Tract described in Volume 98, Page 509; filed June 27, 1949. Parcel A of COS 2456. Parcel described on COS 2455. Parcel described in Volume 94, Page 82; filed July 20, 1946. SECTION 21 - All that portion northerly of the southerly right-of-way boundary of Interstate 90. SECTION 22 - All. SECTION 23 - N½ and SE¼. SECTION 24 - Lot 22 of COS 916, Tract 1A of COS 1684B, Tract 2A of COS 1684B, and Tract 3 of COS 1684A, only. All of sections 30, 31 & 32.

T.3S., R.6E.: All of Sections 1, 2, & 3; SECTION 4 - S½, S½NE¼ and government lots 1 and 2. All of sections 9, 10, 11 & 12.

T.3S., R.7E.: All of Sections 4, 5, 6, 7, 8 & 9; and

WHEREAS, on December 6, 2005 and pursuant to Section 76-2-101, Montana Code Annotated (MCA), after notice given, the Gallatin County Board of County Commissioners passed Resolution No. 2005-164, a resolution creating the Bozeman Pass Zoning District ("District"). Pursuant to 76-2-101(5) MCA, freeholders (representing 50% of the titled property) in the Zoning District had 30 days to protest the creation of the Zoning District. The protest period expired on January 5, 2006 with insufficient protests to block the creation of the Zoning District; and

WHEREAS, on January 12, 2006; March 9, 2006; and April 13, 2006 and pursuant to 76-2-104 and 76-2-106 MCA, after notice given, the Bozeman Pass Planning and Zoning Commission, having been duly created, held public hearings to establish a Development District, adopt the Development Pattern and Zoning Regulations and Zoning Map for the physical and economic development of the Development District; and

WHEREAS, Resolution 2006-01 of the Bozeman Pass Planning and Zoning Commission set forth the Commission's justification for the establishment of the Bozeman Pass Development District and Development Pattern; and

WHEREAS, the Development Pattern, Development District, and accompanying maps, show the Bozeman Pass Planning and Zoning Commission's recommendations for the development of the District and all sub-districts. The Bozeman Pass Zoning Regulations ("Zoning Regulations") and Bozeman Pass Zoning Map ("Zoning Map") have been drafted in accordance with the Bozeman Pass Development Pattern and Development District. These Zoning Regulations and the Zoning Map show the Planning and Zoning Commission's recommendations for which uses of land shall be lawful and which uses shall be unlawful as well as which types of buildings, trades, industries and callings are to be permitted or conditionally permitted. The Zoning Regulations also establish the height and bulk of future buildings as well as the area of yards, open spaces, and setbacks; and

WHEREAS, the Zoning Regulations and Zoning Map have a substantial bearing on the public health, safety and general welfare in that the Zoning Regulation and Zoning Map in that the Zoning Regulations and Zoning Map implement the goals and objectives of the Development Pattern and Development District and without the Zoning Regulations and Zoning Map, the goals and objectives of the Development Pattern could not be achieved; and

WHEREAS in accordance with 76-2-107 MCA, the Bozeman Pass Planning and Zoning Commission has, for the benefit and welfare of the County, prepared and submitted to the Gallatin County Commissioners drafts of resolutions for the purpose of carrying out the development districts or any part thereof previously adopted by the commission, including zoning and land use regulations, the making of official maps, and the preservation of the integrity thereof and including procedure for appeals from decisions made under the authority of such regulations and regulations for the conservation of the natural resources of the County. The board of county commissioners is authorized to adopt such resolutions; and

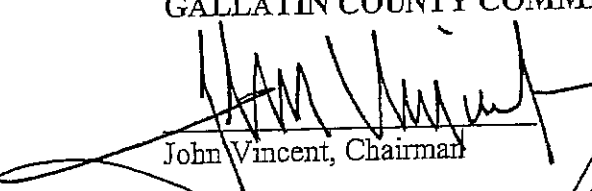
WHEREAS on April 13, 2006, the Bozeman Pass Planning and Zoning Commission voted 6:1 (Vance opposed) to pass Resolution 2006-02; adopting the Bozeman Pass Zoning Regulation and Zoning Map for the Bozeman Pass Zoning District, and recommending the Gallatin County Commission do the same; and

WHEREAS, on May 16, 2006 and pursuant to 76-2-104, 76-2-106 and 76-2-107 MCA, after notice given, the Gallatin County Commission held a public hearing to adopt a Development District, Development Pattern, Zoning Regulations and Zoning Map for the physical and economic development of the Development District. Notice of the May 16, 2006 County Commission hearing was published 15 days prior to the hearing in the *Bozeman Daily Chronicle* and notice was posted in at least three public places within the area affected.

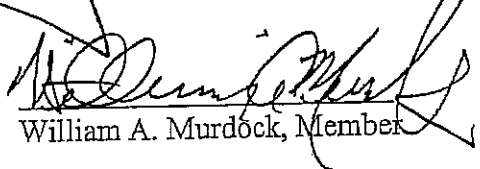
NOW THEREFORE BE IT RESOLVED:

The Gallatin County Commission approves this resolution of adoption of the Bozeman Pass Zoning Regulation and Zoning Map.

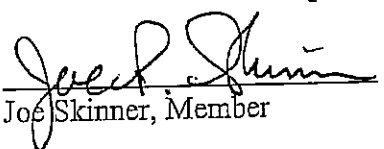
GALLATIN COUNTY COMMISSION


John Vincent, Chairman

5/16/06
Date

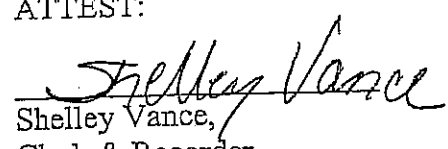

William A. Murdock, Member

5/16/06
Date


Joe Skinner, Member

5/16/06
Date

ATTEST:


Shelley Vance,
Clerk & Recorder